



*Last updated: August 22, 2023. Please note that on September 1, 2023, some of these bills may die in the appropriations committee or undergo significant changes. **This bill resource will be updated after September 1 to reflect those changes.** The majority of bills that are passed and signed by the Governor this year will not become law until January 1, 2024 at the earliest. Additionally, the information contained in this overview is not intended as legal advice, nor is this resource a complete list of all the bills that may impact you. If you have questions about how any of these pending bills may apply to you, please consult an experienced attorney*

IMPORTANT BILLS FROM THE ONGOING 2023 LEGISLATIVE SESSION IN CALIFORNIA

1. **Active Bills** – *these bills are still alive and moving through the legislative process. To become law next year, they must pass the legislature by September 14 and get signed or vetoed by the Governor by October 14.*

Board of Parole Hearings & Resentencing Pathways

SB 81 (Becker & Skinner)

SB 81 would increase equity and transparency in the parole process. This bill would prohibit the Board of Parole Hearings (Board or BPH) from relying on discriminatory factors when denying a candidate parole; require the Board to explain how the reason for the denial connects with a current public safety risk; and strengthen the standard of judicial review for decisions to deny a grant of parole. This bill would also require BPH commissioners to explain the relationship between each reason for parole denial and the parole candidate's current risk of violence.

SB 94 (Cortese)

SB 94 would allow an individual sentenced to life imprisonment without the possibility of parole (for a conviction in which special circumstances were found to be true) to petition for recall and resentencing if the offense occurred before June 5, 1990, and the individual has served at least 25 years in custody. This bill would not apply to an individual convicted of first-degree murder of a police officer, an individual convicted of first-degree murder of three or more people, or an individual convicted of a sexual offense in conjunction with homicide. This bill would also require courts to appoint a public defender or other qualified counsel for petitioners who cannot afford an attorney.

AB 600 (Ting)

AB 600 would expand judicial authority to recall a sentence at any time if the law a person was sentenced under was changed after they were convicted. It would also allow courts to resentence individuals without approval from the district attorney or Attorney General. This bill would also clarify the presumption guiding the judge's use of discretion, require the court to consider specified post-conviction factors at resentencing and require judges to inform people petitioning for resentencing of their right to appeal a denial.

SB 97 (Wiener)

SB 97 would expand on existing laws and allow incarcerated individuals to petition for a writ of habeas corpus if new evidence that had not been previously presented or heard is discovered after a plea or trial. This bill would also establish a presumption toward granting relief if the prosecuting attorney concedes that the petitioner has been wrongfully convicted, allowing a petitioner to not appear at certain hearings.

AB 1310 (McKinnor)

AB 1310 would make SB 620 retroactive. SB 620 was a law enacted in 2017 that allowed judges the discretion to strike or dismiss firearms enhancements at sentencing. AB 1310 would require CDCR to identify incarcerated individuals with firearm enhancements and provide a list to trial courts for resentencing hearings. CDCR would first identify those who have completed their base term and are currently serving their enhancement sentence, then CDCR will identify all other individuals after. After receiving the information, the court will review the judgments, appoint counsel for the defendants, and proceed with the resentencing process. The judges will have full discretion to strike the enhancement, reduce it, or leave it in place.

Conditions of Confinement

AB 280 (Holden)

AB 280 would expand the rights of those in segregated confinement as well as limit its use. This bill would prohibit the following populations from being placed in segregated confinement: individuals who are pregnant, have recently given birth, or have terminated a pregnancy; individuals under the age of 26 or over the age of 59; and individuals with mental or physical disabilities. This bill would also make other changes, including requiring that individuals in segregated confinement have their medical and mental health regularly assessed by qualified professionals, and prohibiting any individual from being placed in solitary confinement for more than 15 consecutive days and no more than 45 days in a 180-day period.

AB 958 (Santiago and Bonta)

AB 958 would recognize personal visits as a civil right. This bill would prohibit CDCR from denying in-person visits to someone who is incarcerated as a form of disciplinary punishment. This bill would also require CDCR to explain to both the incarcerated person and visitor the reason for denying visitation. This bill would also require CDCR to provide at least three days of in-person visits per week with a minimum of 7 visiting hours per day.

SB 474 (Becker)

SB 474 would eliminate excessive mark-ups on items sold at canteens across California state prisons. This bill would prohibit the prices of items offered for sale at canteens from exceeding 10% above the amount they were purchased from vendors.

AB 1226 (Haney)

AB 1226 would require CDCR to place incarcerated persons that have a parental or guardian relationship with a child under the age of 18 at the correctional facility located nearest to the child as long as the placement is considered suitable and reasonable. This bill would also allow an incarcerated person to request a review of their placement if their child's primary residence has changed. AB 1226 was signed into law by Governor Newsom on July 24, 2024 and will take effect on January 1, 2024.

SB 309 (Cortese)

SB 309 would extend to incarcerated persons the right to exercise religious freedom. This bill would require facilities to allow incarcerated persons to maintain their hair or beard length according to their religious beliefs and permit the use of religious clothing and headwear. This bill would also allow individuals to purchase religious clothing and headwear not exceeding the purchase price. SB 309 also requires that searches of individuals wearing religious clothing be conducted in a private area out of view of members of the opposite gender and, if requested, be conducted by staff of the same gender.

Other

AB 268 (Weber)

AB 268 would require the Board of State and Community Corrections (BSCC) to develop and adopt regulations increasing the standard of medical and mental health care services at local correctional facilities. These standards would include requiring correctional staff to be trained in CPR, requiring more detailed safety checks for at-risk persons to make sure they are alive, and requiring mental health screenings at intake or booking by a qualified

mental health care professional. This bill would also add two additional members to the BSCC.

AB 581 (Carrillo)

AB 581 would streamline the clearance process for program providers so community-based organizations can more effectively provide life-affirming programs to those that are currently incarcerated. It would also standardize the process to clear formerly incarcerated persons to enter correctional facilities to deliver rehabilitative programming.

AB 1306 (Carrillo)

AB 1306 would ensure that incarcerated individuals not born in the US can benefit from criminal justice reforms enacted by the state. This bill would prohibit CDCR from cooperating with Immigration and Customs Enforcement (ICE) to detain or transfer individuals that have earned their release through parole, resentencing, or other related criminal justice reforms.

- 2. **Constitutional amendments.** Constitutional amendments are on a different timeline than regular bills. In order to be placed on the 2024 ballot, they need to pass both houses of the legislature by June 2024.*

ACA 4 (Bryan)

ACA 4 would amend California's state constitution to allow people convicted of a felony to vote while incarcerated. If this amendment passes in the legislature, it will be placed on the ballot in the next general election to be voted on by all eligible voters in the state.

ACA 8 (Wilson)

ACA 8 would amend California's state constitution and completely abolish slavery and involuntary servitude in California, no longer allowing it as punishment for a crime. If this amendment passes in the legislature, it will be placed on the ballot in the next general election to be voted on by all eligible voters in the state.

- 3. **Two-year bills.** These bills are not moving any further this year, but may move next year.*

SB 254 (Skinner)

SB 254 would expand the rights of those incarcerated who choose to speak to the media. This bill would require all prisons and jails to permit media representatives to enter facilities and interview folks and would prohibit retaliation against those that choose to speak

to the news media. SB 254 would also require an incarcerated person to consent to be interviewed and prevent correctional staff from monitoring interviews or reviewing any of the information collected. This bill became a two-year bill in the Senate Committee on Appropriations on May 18th, 2023.

AB 745 (Bryan)

AB 745 would establish a Reentry Housing and Workforce Development Program to allow people with recent histories of incarceration to exit homelessness and remain stably housed. This program would provide grants to counties to fund housing and housing-related services, services to assist program participants in obtaining employment, family reunification services, women's services, and other wraparound services, including transportation and food assistance, education, childcare services, and other supportive services. The bill became a two-year bill in the Assembly Committee on Appropriations on May 18, 2023.

- 4. **Failed bills** – These bills are no longer moving forward and are “dead”. The legislators may bring the ideas back in a new bill in a future legislative session, but cannot bring the same bill idea next year.*

AB 1177 (McKinnor)

AB 1177 would require the BPH to provide a parole candidate an audio recording or transcription of their parole hearing at no charge should they request it. This bill would also allow a victim, their family, and up to two of their representatives to request audio recordings of any proceedings. This bill was “held” on suspense, meaning it was killed, by the State Assembly Committee on Appropriations on May 18th, 2023.

AB 1497 (Haney)

AB 1497 would expand the rights of incarcerated persons with a history of psychological, physical, or childhood trauma, or were victims of intimate partner violence or human trafficking. This bill would allow incarcerated persons to petition a court to vacate a conviction for any offense where past trauma or victimization was a contributing factor to its commission. AB 1497 would prohibit a court from imposing a term of imprisonment for sentence enhancements or consecutive terms for two or more felonies for individuals with a history of victimization that contributed to the alleged offense, or if they were a youth at the time of its commission. This bill was held under submission by the State Assembly Committee on Appropriations on May 18th, 2023.

SB 513 (Wiener)

SB 513 would require CDCR to provide mental health therapy to incarcerated individuals within two weeks of requesting mental health treatment. This bill would require mental health therapy to occur a minimum of two times per month for at least 50 minutes. This bill was held under submission by the State Assembly Committee on Appropriations on May 18th, 2023.